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10/733,302

12/12/2003

Junichi Tamura

OKI 402

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02/22/2007

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EXAMINER

THOMAS, SHANE M

ART UNIT

PAPER NUMBER

2186

MAIL DATE

DELIVERY MODE

02/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/733,302

Applicant(s)

TAMURA, JUNICHI

Examiner

Shane M. Thomas

Art Unit

2186

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-14.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: The amendment to the specification has been entered.

Continuation of 7. The amendments presented in the response filed 1/23/2007 pertain to the correction of informalities in the specification and do not affect the scope of the claim.

Continuation of 11. does NOT place the application in condition for allowance because:

(1) Applicant argues in the first paragraph on page 8 of the after-final response filed 1/23/2007, "The reordering contemplated in Ng et al. does not in fact result in the data being stored in a rearranged order on the disc." While the Examiner agrees in this assessment made by the Applicant, the point is moot as the claimed invention does not specifically contain a claim limitation stating that the data, once stored on the disc, is in a rearranged format. The Applicant claims in claim 1 "storing the data in a second storage section based on the data rearrangement information stored in the stack." This limitation is clearly taught by Ng et al. in relation to figure 6, where Ng shows the data are written to the disc based on the rearrangement information provided by the link list. In the immediate example, based on the rearranged data in step 416, the data in sector 0 is written after the previous data was written to sector 14; thus, based on the data rearrangement information, data is written to the disc in a certain order. Once again, the claim does not limit the data itself having to be rearranged so that it is not sequential when written to disc. Further, one can gather from the example of figure 6 that data is not necessarily sequentially written, as data is written to sector 0 after sector 14. Sequential writing of the data would have resulted in sectors 0-14 being written in order starting at sector 0.

(2) Applicant further argues in the second paragraph on page 8 of the response, "the reordering of data is only temporary and does not result in rearrangement of data as it appears on the disc." While the Examiner agrees that data is not rearranged on disc based on where data should have been written to disc, the claim, as presently drafted, does not limit the data that is to be written to disc (i.e. the second data storage section) to be rearranged data. Such an amendment would overcome the prior art reference of Ng, as Ng merely teaches the rearrangement of data before being written to disc.

(3) Applicant further argues in the third paragraph on page 8 of the response, "... Ng et al. does not store the data rearrangement information represented by the linked list 400 on the disc 350." While the Examiner admits that Ng does not teach such a step, again the step of writing the rearrangement data information to the disc is not present in the claims as drafted. The Examiner agrees that such a limitation, if drafted in the claims, would overcome the prior art reference of Ng et al.

(4) Applicant argues in the first paragraph of page 9 of the response, "However, data on the disc 350 is not addressed by the reordering information stored in the linked list 400, because the data on the disc 350 is not rearranged ..." The Examiner respectfully disagrees. Using a broadest, reasonable interpretation in light of Applicant's specification, it is noted by the Examiner that the data rearrangement information stored in the link list 400 is merely sector numbers of the next sector to be written in the reordering system of Ng, where the reordering information consists of sector numbers 1-29 as shown in figure 6. As stated in Ng in at least paragraphs 3, 21, and 25, data to be read is accessed by the use of sectors. Therefore, it can be seen, for example, that once data has been written using the data rearrangement information stored in the link list 400 (e.g. sector numbers 1-29) and if a read request to the same track is sequentially issued after the write request to the same sector numbers as the write [that used sector numbers 0-14], that the data rearrangement information (e.g. sector numbers 0-14) inherently have to be used in order to retrieve the requested data of sectors 0-14 in order to fulfill the track read request. It follows that even though the data rearrangement information that is stored in the link list 400 is not fetched from the list to service the read, the sector numbers comprising data rearrangement information clearly have to be used in order to access the requested data.

(5) Applicant argues in the fourth paragraph on page 9, "data in the buffer 402 is also not addressed by the reordering information in the linked list 400. Rather it is the linked list 400 that determines what is written to each place in the buffer 402, not how it is addressed." The Examiner respectfully disagrees. The link list 400 determines the writing (e.g. accessing) of data into the buffer - paragraph 44. Further, because the link list is used to determine the next sector in the buffer to write, it can therefore be seen that the data rearrangement information stored within the link list 400 is indeed used to address the data. For example, after the data of sector 14 is written from the buffer to the disc, the link list shows that the next sector to be written to the disc is to sector 0, and it follows that the appropriate location of the buffer is to be accessed. Therefore, because the rearrangement information in the link list 400 dictates where in the buffer the next sector data is to be written to the disc to be accessed from, the limitation of "addressing the data by the data rearrangement information in the first data storage section" is met.



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